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Attorneys for Defendant
KIMBALL IGLEHEART

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ZIAD SHUMAN, an individual,

Plaintiff,

v.

AMERICAN HOME ASSURANCE
 COMPANY, KIMBALL IGLEHEART,
 an individual, and DOES 1 through 50,

Defendants.

Case No.: C05 3644 PJH

**STIPULATION TO CONTINUE
 HEARING DATE ON DEFENDANT
 KIMBALL IGLEHEART'S MOTION TO
 DISMISS PURSUANT TO FEDERAL
 RULE OF CIVIL PROCEDURE 12(b)(6);
 AND ORDER THEREON**

Previous Hearing Date : Nov. 2, 2005
 Stipulated Hearing Date: Nov. 23, 2005
 Time : 9:00 a.m.
 Department : Courtroom 3
 Floor : 17
 Before Honorable Phyllis J. Hamilton

IT IS HEREBY STIPULATED by and between the parties to this action, through their attorneys of record, as follows:

1. The hearing date for Defendant Kimball Igleheart's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) may be continued from November 2, 2005 at 9:00 a.m. in Courtroom 3 of this Court to November 23, 2005 at 9:00 a.m. in Courtroom 3 of this Court.

2. The parties agree to continue the hearing date for defendant Igleheart's Motion to Dismiss to the subsequent date of November 23, 2005, and good cause exists for such a continuance, because plaintiff Ziad Shuman has noticed a Motion to Remand to State Court for hearing on November 23, 2005 at 9:00 a.m. in this matter. Consolidating the hearings on these

1 two motions will be more convenient to the parties and for the Court. Further, issues raised in
2 the Motion to Remand to State Court are related to issues raised by defendant Igleheart's Motion
3 to Dismiss.

4 3. The continuance of the hearing date on defendant Igleheart's Motion to Dismiss is
5 authorized under Civil Local Rule 7.7(b). Plaintiff filed his Opposition to the Motion to Dismiss
6 on October 12, 2005. The parties affected by the Motion to Dismiss have not previously
7 stipulated to continue the hearing date on the Motion to Dismiss and the hearing date on the
8 Motion to Dismiss was not specially set by the Court.

9 4. The continuance of the hearing date on defendant Igleheart's Motion to Dismiss is
10 authorized under Civil Local Rule 6.1. The continuance of the hearing date will not alter the
11 date of any event or deadline already fixed by Court order.

12 5. Plaintiff will have the option to submit an additional Opposition brief to Defendant
13 Kimball Igleheart's Motion to Dismiss, due 21 days prior to the continued hearing date, on
14 November 2, 2005.

15 6. Defendant Igleheart's Reply Brief in support of the Motion to Dismiss will be due 14
16 days before the continued hearing date, on November 9, 2005.

17 The parties respectfully request that the Court enter an Order to this effect.

18
19 Dated: October 13, 2005

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

20
21 By: /s/ Charan M. Higbee

22 Adrienne C. Publicover
23 Charan M. Higbee
24 Attorneys for Defendant
25 KIMBALL IGLEHEART
26
27

1 Dated: October 13, 2005

LAW OFFICES OF PATRICK E. CATALANO

3 By: /s/ Jannik P. Catalano

4 Jannik P. Catalano
Attorneys for Plaintiff
5 ZIAD SHUMAN

6 Dated: October 13, 2005

CONNELLY SHEEHAN HARRIS

8 By: /s/ Kyle Kickhaefer

9 Kyle Kickhaefer
Attorneys for Defendant
10 AMERICAN HOME ASSURANCE
11 COMPANY

12 **ORDER**

13 Pursuant to the parties' agreement set forth above, it is hereby ordered as follows:

14 1. The hearing on defendant Kimball Igleheart's Motion to Dismiss Pursuant to Federal
15 Rule of Civil Procedure 12(b)(6) shall be continued to November 23, 2005 at 9:00 a.m. in
16 Courtroom 3 of this Court.

17 2. Plaintiff will have the option to submit an additional Opposition Brief to Defendant
18 Kimball Igleheart's Motion to Dismiss no later than twenty-one (21) days before the continued
19 hearing date.

20 3. Defendant Kimball Igleheart's Reply Brief in support of the Motion to Dismiss shall be
21 filed no later than fourteen (14) days before the continued hearing date.

22 10/20/05

23 Dated: _____



24 PHYLLIS J. HAMILTON, JUDGE
25 UNITED STATES DISTRICT COURT